

**Impact Analysis – Proposed Rule Change**  
**May 7, 2012**

<b>Agency:</b>	<b>DHHS/Division of Child Development &amp; Early Education</b>
<b>Contact:</b>	<b>Jani Kozlowski (919) 890-7049</b>
<b>Rule Title:</b>	<b>NC Pre-Kindergarten Services</b>
<b>State Impact:</b>	<b>No</b>
<b>Local Impact:</b>	<b>No</b>
<b>Substantial Economic Impact:</b>	<b>No</b>
<b>Small Business Impact:</b>	<b>No</b>
<b>Private:</b>	<b>No</b>

The NC Child Care Commission and the Division of Child Development and Early Education propose to amend rules based on the criteria of Executive Order No. 70, Rules Modification and Improvement Program, to ensure they will positively affect the welfare of children and families and support the special provision requirement that the Child Care Commission shall maintain oversight of the NC Pre-Kindergarten (NC Pre-K) program. In accordance with S.L. 2011-145 s. 10.7(a) the Department of Public Instruction, Office of Early Learning, and the Division of Child Development were directed to consolidate the More at Four program into the Division of Child Development. The Division was renamed the Division of Child Development and Early Education. Provisions directed the Child Care Commission to set the standards for the regulation of pre-kindergarten classrooms. The program will meet the same standards as the More at Four program which has been maintained for the last 10 years. The proposed rules offer the same standard of high quality early education and will now fall under the APA process and be codified under Title 10A NCAC 09 .3000.

The North Carolina Child Care Commission proposes to amend the following rules in Title 10A NCAC 09 by adding a new Section to be titled:

## **Section .3000 NC Pre-Kindergarten Services**

### **NC Pre-K Requirements**

- .3001 – Scope
- .3002 – Facility Requirements
- .3003 – Program Attendance Policy
- .3004 – Religious Activities
- .3005 – Child Health Assessments
- .3006 – Developmental Screening
- .3007 – Early Learning Standards and Curricula
- .3008 – Instruction Assessments
- .3009 – Staff-To-Child Ratio and Class Size
- .3010 - Family Engagement
- .3011 – Site-Level Administrator Qualifications
- .3012 - Teacher Education, Licensure and Credentials
- .3013 – Teacher Assistant Education and Credentials
- .3014 – Substitute Staff
- .3015 – Instructional Staff Standards
- .3016 – Professional Development Requirements

### **Summary of Proposed Regulations**

Statutory Authority for rule change: G.S. 110-85; 110-88(7); 110-88; 110-90(4); 110-91(3), (4), (5), (6); 143B-168.3; S.L. 2011-145, s.10.7(a).

### **Background**

#### **Description**

The NC Child Care Commission is proposing the adoption of rules that are in direct response to S.L. 2011-145, which transferred the More at Four program from the Department of Public Instruction to the Division of Child Development and Early Education. S.L. 2011-145 gave the Commission the rule-making authority to adopt programmatic standards for regulation of NC Pre-K classrooms.

#### **Purpose/Analysis of Proposed Rules**

The purpose of the rules is to set standards for the NC Pre-K program.

.3001 - This rule sets the standards for all licensed programs that serve children in the NC Pre-K program. The Scope of the NC Pre-K Requirements covers the additional services offered through the program. It is also expected that all NC Pre-K programs will be licensed at the four- or five-star level, and meet all of the requirements in Article 7, Chapter 110 of the North Carolina General Statutes for Child Care Facilities and Chapter 9 – Child Care Rules within the North Carolina Administrative Code.

.3002 - This rule sets the standards for facility requirements to maintain a four- or five-star rated license. Research has shown that child outcomes improve in higher quality facilities. In addition, this requirement ensures that NC Pre-K classrooms operate at the highest level of quality and that measure is aligned with the NC Quality Rating System that parents use when choosing quality early care & education. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3003 - This rule sets the guidelines for the attendance policy for children participating in the program. This rule will ensure that families are contacted if a child is no longer attending the program or has been absent for more than three days. This will ensure that attendance-related communication occurs between NC Pre-K staff and the families that they serve. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3004 - This rule sets the standards for religious activities in a Pre-K program. Religiously affiliated programs may participate in the NC Pre-K Program but are prohibited from engaging in religious activities due to the fact that state funds are used to support the program. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3005 - This rule lists the requirements for the child's health assessment. The child's health assessment shall be kept on file at the Pre-K site. These health assessments have been found to improve child outcomes and ensure that the child is healthy enough to benefit from the program or that the child receives services that will enable the child to achieve the best results from the program. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3006 - This rule sets the standards for all children that are enrolled in the Pre-K program to receive a developmental screening unless there is an existing Individualized Education Program (IEP) in place for the child. As with the health assessments, the developmental screening is typically included in the "well-child visit" with the child's health provider. In this case, the parent would simply provide a copy of the screening to the Pre-K Program in order to meet the requirement. In some cases, Pre-K Programs would collaborate with Public Health Departments to conduct a developmental screening for a group of children. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3007 - This rule ensures that appropriate standards for early education are used through the requirement of the use of the NC Early Learning Standards. The rule related to curriculum is addressed in Chapter 9 – Child Care Rules within the North Carolina Administrative Code. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3008 - This rule requires that ongoing assessments must be made to gather information about each child's growth and skill development by using one of the approved assessment instruments in the Pre-K contractual agreement. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3009 - This rule sets a maximum staff-to-child ratio of 1 to 9 with a maximum class size of 18 children. Research has shown that low staff-to-child ratios and small class sizes are necessary to achieve many of the long-term child-development benefits of pre-kindergarten services. Maintaining a staff-to-child ratio of 1 to 9 or less entails greater costs per child for pre-kindergarten services versus higher ratios, but research has shown that the long-term benefits of lower staff-to-child ratios outweigh the additional costs in the long run. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3010 - This rule sets the standard for family-engagement requirements that are intended to help programs develop partnerships with families that will support the education of the child. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3011, .3012, .3013 – These rules define the education requirements for the NC Pre-K administrator, teacher and assistant teachers. Research has shown that child outcomes improve when children are served in classrooms staffed by educated teachers and programs that employ educated administrators. The education levels set forth in this rule have been informed by research. Funding for educational support is provided to teachers and administrators through the TEACH program that is currently funded with Child Care & Development Fund Quality dollars. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3014 - This rule sets the standards for substitute teaching staff. The intention of this rule is to ensure that minimal quality standards are upheld during periods of time that the classroom teacher is not available. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3015 - This rule sets instructional staff standards that set a minimum amount of time per week that direct instruction is provided. The 30 hour per week standard allows for instructor planning time, which is crucial for quality education programming. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

.3016 – This rule sets requirements for professional development for licensed principals, teachers, and teacher assistants in public and non-public school settings. Research has shown that lifelong learners are more effective in the classroom and better program-managers. The rule for licensed staff is consistent with State Board of Education policy on professional development. The rule for unlicensed staff is intended to support the additional efforts needed for that staff member to become licensed. The expectation is that staff will make annual progress toward licensure, and these efforts are supported by the TEACH program and Pre-K funds used to support the Early Educator Support, Licensure, and Professional Development Unit within the DCDEE. As this rule is equivalent to the standards set forth in the most recent More at Four Requirements, there is no new fiscal impact.

### **Fiscal Impact**

There is no estimated fiscal impact to private parties or to local/state governments. Session law 2011-145 Section 10.7.(a) states that: “The Department of Health and Human Services shall incorporate eight consultant positions into the regulation and accounting sections of DCDEE, eliminate the remaining positions, and use position elimination savings for the purpose of funding prekindergarten students. DCDEE may use funds from the transfer of the More At Four program for continuing the teacher mentoring program and contracting for the environmental rating scale assessments.”

A requirement in these rules that is different from the historical More at Four Program Requirements is as follows:

When the More at Four Program was housed in the Office of Early Learning within the Department of Public Instruction, Pre-K programs were required to either hold a four- or five-star license or fall under the purview of the public schools. While public school sites were not required to be licensed, many chose to do so voluntarily. S.L. 2011-145 specified that the Division maintain the More at Four program’s high programmatic standards and required public-school programs to achieve the same licensure standards as non-public school programs. The law granted the NC Child Care Commission the authority to adopt rules related to these licensure standards. As of February 2012, 588 NC Pre-K sites are operated by public schools. Of this total, 395 of the public-school sites are currently licensed. The remaining programs are engaged in the licensure process or have a plan in place to become licensed during the coming school year.

Other items that have been practiced historically in the More at Four Program have been clarified in the following rules and will result in no fiscal impact. These changes include:

- The rule related to Program Assessment in .3002 stating that: “At least one NC Pre-K classroom will be chosen during the reassessment process.”
- The rule in .3005 that states that the child health assessments must be *on file* within 30 days of the child entering the program.
- The rules in .3006 that will require: 1) “The developmental screening shall be conducted by a professional trained in administering the screening,” and 2) “Site-level administrators shall review all developmental screening results and shall ensure that all necessary referrals related to the results have been made.”

1                                    **SECTION .3000 NC PRE-KINDERGARTEN SERVICES**

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3    **.3001    SCOPE**

4    The rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten  
5    (NC Pre-K) program. The NC Pre-K program is designed to provide high-quality educational experiences to  
6    enhance school readiness for at-risk-four-year olds. All rules in this Chapter shall apply except as provided in this  
7    Section.

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9    *History Note:    Authority G.S. 110-85; **110-88**; S.L. 2011-145, s. 10.7(a);*

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11   **.3002    FACILITY REQUIREMENTS**

12   (a) Programs serving NC Pre-K children shall maintain a four or five star rated license.

13   (b) All NC Pre-K licensed programs shall have an assessment completed using a nationally recognized assessment  
14   tool every three years as a part of the rated license reassessment process. Classrooms that score below the good  
15   level, as defined by the tool, shall be reassessed the following year and a minimum good level must be achieved in  
16   order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom will be chosen during the  
17   reassessment process.

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19   **.3003    PROGRAM ATTENDANCE POLICY**

20   When a child is absent for more than three consecutive days, the site-level administrator must contact the family and  
21   determine the child's participation status. The site-level administrator must document attempts to contact the family  
22   and any specified decisions regarding the child's continued participation in the program. The site-level administrator  
23   shall contact the local NC Pre-K contractor to share information related to the child's absence and to determine what  
24   further actions may be necessary to maintain the child's attendance in the program.

25  
26   **.3004    RELIGIOUS ACTIVITIES**

27   Activities, instruction, or communications, which promote religious beliefs, shall not be directed toward children  
28   participating in the NC Pre-K program during the NC Pre-K day.

29  
30   **.3005    CHILD HEALTH ASSESSMENTS**

31   (a) A health assessment is required to be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-  
32   K program and the assessment may be no more than 12 months old at the time of program entry. The health  
33   assessment must include the following:

- 34            (1)    Physical examination;  
35            (2)    Updated immunizations;  
36            (3)    Vision screening;  
37            (4)    Hearing screening; and  
38            (5)    Dental screening.

39   (b) Site-level administrators shall review all health assessment results and shall ensure that all necessary referrals  
40   related to the results have been made.

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42   **.3006    DEVELOPMENTAL SCREENING**

(a) All children enrolled in the NC Pre-K program must receive a developmental screening, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a professional trained in administering the screening. Children must be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used solely for the purpose of identifying children who should be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Children shall be screened using one of the approved screening instruments as indicated in the NC Pre-K contractual agreement.

(c) Site-level administrators shall review all developmental screening results and shall ensure that all necessary referrals related to the results have been made.

### **.3007 EARLY LEARNING STANDARDS AND CURRICULA**

(a) NC Pre-K programs shall use North Carolina's Early Learning & Development Standards (and subsequent editions), to guide their planning of developmentally appropriate, high-quality prekindergarten experiences for children.

(b) Each NC Pre-K classroom shall use a curriculum as defined in Title 10A NCAC 09 .0102.

### **.3008 INSTRUCTIONAL ASSESSMENTS**

Classroom staff are required to conduct ongoing assessments to gather information about each child's growth and skill development, as well as inform instruction. One of the approved assessment instruments as indicated in the NC Pre-K contractual agreement shall be used to meet this requirement.

### **.3009 STAFF-TO-CHILD RATIO AND CLASS SIZE**

The classroom will not exceed a maximum staff-to-child ratio of 1 to 9 with a maximum class size of 18 children, with one teacher and one assistant teacher per classroom.

### **.3010 FAMILY ENGAGEMENT**

NC Pre-Kindergarten programs shall develop a comprehensive plan for family engagement consisting of strategies designed to develop partnerships with families and build reciprocal relationships that promote shared decision-making. Examples of meaningful opportunities for families to be engaged in their child's education include, but are not limited to:

- (1) Home visits;
- (2) Formal and informal parent/teacher conferences;
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) Parent education;
- (5) Family involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular service day.

### **.3011 SITE-LEVEL ADMINISTRATOR QUALIFICATIONS**

(a) Administrators of NC Pre-K sites must have either:

- (1) a NC Principal License, or

- (2) a North Carolina Early Childhood Administrator Credential (NCECAC) Level III. If the site-level administrator has not yet earned the NCECAC Level III, the following will apply:
- (A) Provisional approval will be given for four years from the time the site began participation with the NC Pre-K program for the administrator with NCECAC I or II to obtain the NCECAC Level III; and
- (B) Progress toward NCECAC Level III will be considered a minimum of six documented semester hours per year.
- (b) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

### **.3012 TEACHER EDUCATION, LICENSURE AND CREDENTIALS**

(a) All teachers will hold, or be working toward a North Carolina (NC) Birth through Kindergarten (B-K) Standard Professional II or Preschool Add-on licensures. Teachers working toward the required education and license shall hold a minimum of a BA/BS degree and the following requirements:

- (1) NC Initial Provisional Lateral Entry BK License, or
- (2) A North Carolina K-6 license and a provisional Preschool Add-on license, or
- (3) Another North Carolina or other state's license and an NC Provisional B-K license, or
- (4) A BA/BS degree in early childhood education, child development, or a related field, and be eligible for a NC Initial Provisional Lateral Entry B-K License.

(b) All Pre-K teachers must be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the DCDEE.

(c) Pre-K teachers with a BA/BS degree shall make progress toward B-K licensure by completing a minimum of six documented semester hours per year, and achieve the B-K license within three years. The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard.

### **.3013 TEACHER ASSISTANT EDUCATION AND CREDENTIALS**

(a) All assistants will have a high school diploma or GED and will hold, or be working toward, a minimum of an Associate Degree in early childhood education or child development (ECE/CD) or a Child Development Associate (CDA) credential. Teacher assistants working toward the Associate Degree or CDA shall make progress by completing a minimum of six documented semester hours per year. The site-level administrator shall maintain documentation available for review by the Division of the progress toward the required standard.

(b) Teacher assistants employed by public schools are exempt from this requirement to hold an ECE/CD Associate Degree or CDA if they meet the employment requirements outlined by the federal "No Child Left Behind" (NCLB) legislation, and have one of the following:

- (1) Six documented semester hours of coursework in early childhood education, or
- (2) Two years of work experience in an early childhood setting.

### **.3014 SUBSTITUTE STAFF**

(a) When a member of the NC Pre-K teaching staff is unable to work, a substitute staff person must be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and must be able to implement the program in accordance with this Section. Substitute staff must be at least 18 years of age and meet the following minimum qualifications:

- (1) Requirements for short-term vacancies, when teachers are absent from the Pre-K classroom for 15 or fewer days, include the following:
- (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings must have at least a high school diploma or a GED, and completed at least one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or
- (B) Public School Settings: Substitutes must meet the requirements of the substitute policy consistent with the local education agency (LEA).
- (2) Requirements for long-term vacancies, when teachers are absent from the Pre-K classroom for 16 or more attendance days, are for substitute staff to hold at least an Associate's Degree in early childhood education/child development or a 4-year degree in a related field.
- (c) Substitutes for teacher assistants must be at least 18 years of age and have a minimum of a high school diploma or a GED.

### **.3015 INSTRUCTIONAL STAFF STANDARDS**

Instructional staff shall work in direct contact with children in the Pre-K program for at least a 30-hour work week. In addition to these direct, day-to-day instructional experiences, instructional staff will require additional time for related instructional activities, including time for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities. These related activities shall take place outside of the 6 ½ hour day of direct teacher-child contact.

### **.3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS**

- (a) Licensed Administrators, Teachers, and Teacher Assistants in non-public and public schools will participate in professional development consistent with the State Board of Education policy.
- (b) Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications will participate in a minimum of six documented semester hours per year.